

Cloudy, unsettled weather, with rain or snow tonight.

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VIOLATION OF LAW HOLDS NO TERRORS FOR P. O. OFFICIALS

Masterful Inactivity in the Line of Conferences and Investigations, But Machen Holds His Job in Spite of Revised Statutes.

Members of Coal Committee Attempt to Justify Action by Claiming It Was "Coal From the Machen Family or Close Department."

Behind a masterful show of inactivity in the line of conferences and investigations the Postoffice officials today sought protection from the stigma that is inseparable from their failure to enforce the statutes of the United States which are sworn to uphold. Despite the evidence which has been placed before them through the investigations of The Times that Sections 412 and 1783 of the Revised Statutes had been violated by one of the foremost officials of the department in that he has participated in profits resulting from contracts with the department, those officials have failed to perform the duties imposed upon them by those very statutes, and August W. Machen, the superintendent of the free delivery division, remains an official of the Postoffice Department.

Members of the coal committee of the department attempt to justify their action in entering into a contract with an official of the department on the ground of emergency. They claim they were unable to obtain coal elsewhere at the time, and that it was to contract with Machen Bros. or to close the department. The local dealers in coal assert there has never been a time when they were not prepared to supply the department with coal, and that it was only a matter of price.

An Explanation Asked. If it was done as an emergency measure, they further ask, how do the department officials explain that as much as a year ago, when no emergency could be claimed, Machen Bros., of which the superintendent of the free delivery division is an acknowledged member, was supplying the mail bag repair shop with anthracite coal?

At the Postoffice Department this morning everything was shrouded in mystery. First Assistant Postmaster General Wynne said nothing had developed so far as he was aware. Mr. Bristow, the Fourth Assistant Postmaster General, following an audience with Postmaster General Payne, said that he was not at liberty to talk on the subject. "Any direct information regarding these matters," he continued, "must be obtained direct from the Postmaster General."

The Postmaster General, however, was protected from the general caller. Several members of Congress obtained an audience with him, but as they emerged August W. Machen, superintendent of the free delivery division, came from an ante-room where he had been, and resumed an earnest conversation with Postmaster General Payne. Whether he succeeded in satisfactorily explaining the situation it was impossible to ascertain, as secrecy has been enjoined upon every official of the department, and Mr. Machen was still with the Postmaster General at a late hour.

Complaints Against Methods. Complaints against the methods pursued in compelling residents along the line of rural free delivery routes to adopt certain makes of mail boxes in which the ring are interested continue to be made. The following appears in the "Country Gentleman," published at Albany, under the date of January 1:

"If this section of the rural postoffice delivery is a sample of the whole country, the agricultural press ought to be prompt in voicing a protest against an abuse of official power and a contemptible exhibition of 'red tape.'"

"The postoffice inspector for this district has been condemning mail boxes on the country routes by the wholesale, and the suspicion is aroused that some official, high or low, carries or inspects."

WEATHER CONDITIONS.

The weather continues cloudy and unsettled east of the Mississippi. Pressure continues low in Atlantic Coast districts. There was rain Sunday along the Atlantic Coast from Georgia to eastern Pennsylvania.

The temperature continues generally above the seasonal average in all parts of the country.

Cloudy, unsettled weather with occasional rain in Southern, and snow in Northern districts will continue tonight and Tuesday east of the Mississippi. Light to fresh west to northwest winds will continue along the middle and south Atlantic and east Gulf coasts.

Steamers departing today for European ports will have fresh northwest to west winds and cloudy weather to the Grand Banks.

TEMPERATURE.

9 a. m. 36
12 m. 33
1 p. m. 33

THE SUN.

Sun sets today 4:52 p. m.
Sun rises tomorrow 7:19 a. m.

TIDE TABLE.

High tide today 12:14 p. m.
Low tide today 6:43 p. m.
High tide tomorrow 12:28 a. m.
Low tide tomorrow 6:57 a. m.

ors, must be peculiarly interested in the sale of patent boxes. Many of the boxes that have been condemned are just as suitable as any patent metallic box, being large, weather tight, and hinged with lids, painted, and set on good substantial posts.

"They have cost their owners from fifty cents to \$1 or more each, were made in many instances by carpenters, and are today superior as a whole to the metallic boxes sold by the present carrier on this route a few years ago. These were made of a black japanned thin stovepipe metal, or sheet iron, and are today rusty and often unjointed and leaking. The carrier made fifty cents profit on each box. Now he seems to seek another change, with inferentially another 'take-off.'"

Big Tax Assessment.

"If this sort of petty oppression is being carried on throughout the country, it may mean a big tax in the aggregate wrung out of country people for a few manufacturers and interested ones to share, but it will also cause a wide resentment and will react in votes against the present Administration. We are not living under a czar, and if we are willing to trust our mail in a good, convenient, home-made box, it seems that should settle it. Did not the rural postoffice use plain, home-made pigeon-holes? They were not compelled to buy patent affairs. Why should every poor dweller on a country route submit to this tax and imposition?"

"We have no feeling against any manufacturer, nor against patent metal boxes as such, if substantially made and durable. It is well enough to condemn the use of an old piece of stovepipe, tomato can or unpainted soap box. We speak for the average country man who has a good, serviceable, respectable home-made box. If he has got to pay for a new, flimsy patented box every few months or years at the dictation of some petty carrier, inspector or officer, then this is no longer the United States of America."

ABSENTEES DELAY THE UNION STATION BILL

Cost of the New Structure the One Remaining Subject of Controversy.

Owing to the absence of Senator Gallinger and Representative Babcock, chairmen, respectively, of the Senate and House Committees on the District of Columbia, no action will be taken in regard to the union station bill until January 16.

Senator Gallinger will be detained in New Hampshire until that date by matters pertaining to his re-election to the Senate, while Mr. Babcock is returning from his trip through Cuba, and is not expected in Washington until later in the present week.

Practically the only question now remaining to be settled by the conference committee of both houses, to which the bill has been referred, is that of the cost of the structure. As has already been told, the Pennsylvania and the Baltimore and Ohio railroad companies are anxious that the cost of the station be reduced from \$4,000,000 to \$3,000,000.

Architect E. H. Burnham will be in Washington on the 15th with a new set of plans. By these plans the cost of the station is to be reduced about \$1,000,000; also a fill of thirty-four feet will be avoided.

A question has arisen in this connection as to whether the conferees have the power under the rules to make or

recommend any changes in cost of the station. It is maintained that the amendment made by the House to the section of the bill providing for the amounts to be paid to the railroads is germane to the section providing for the cost of the structure, and that this gives the conferees the right to make changes. This point, however, is contested by those who believe the railroads should be compelled to erect a \$4,000,000 station.

So far as the Pennsylvania company is concerned the proposed reduction in the level of the station is satisfactory. The Baltimore and Ohio, however, objects that the lowering of the station level will cause a heavy grade on the Metropolitan Branch. The Baltimore and Ohio has not been favorable to the project since the plans provided for the removal of the yards to Eckington. Only pressure brought to bear by President Cassatt, of the Pennsylvania Railroad, has kept them in line.

Another question is that of the location of street car lines leading to and from the station. According to the present plan, it is proposed to have the Columbia road extend its line from H Street to Massachusetts Avenue and run directly in front of the station.

ARMY STAFF BILL TAKEN UP IN HOUSE

Democrats Generally Oppose the Measure.

Immediately after the reading of the Journal, when the House reassembled this morning, Mr. Hull, chairman of the Committee on Military Affairs, asked unanimous consent for the consideration of the general staff bill. Mr. Richardson, the Democratic floor leader, raised a question of consideration. Mr. Hull declared that the bill had been unanimously reported from the committee, and that its purpose was to bring all the divisions of the War Department under one responsible head, and does not provide for any increase of officers.

Mr. Bartlett (Dem., Ga.) asked if it was not an attempt "to eliminate General Miles as the General Commanding the Army." Mr. Hull declared it was not, and said that the term "commanding general" was a misnomer; that the only commander-in-chief is the President.

Mr. Richardson said he would oppose the bill unless it was amended. Mr. Hay (Dem.), member of the Committee on Military Affairs, urged the passage of the bill.

On the question of consideration the vote stood—62 to 41.

The bill was then placed on its final passage, and the vote, on division stood—62 to 41. Two-thirds having failed to vote, Mr. Hull demanded the yeas and nays. Contrary to expectation, a large number of Democrats voted against the measure, and the vote stood—108 to 59. Again two-thirds having failed to vote in favor of the bill, a call of the House was demanded.

Only 161 members responding, the House adjourned until tomorrow.

WILL INSPECT ELLIS ISLAND.

Assistant Secretary of the Treasury Taylor is in New York on department business. He will be joined there on Thursday morning by Commissioner General of Immigration Frank P. Sargent and the two will inspect the improvements recently made at Ellis Island. They will also consider a number of suggested improvements.

Complaint has been made by the bureau that steamship lines entering New York have recently inaugurated a move to bring passengers to this country for a very low fare. Many convicts from Europe have made their appearance at that port.

See Page 11. Houses for sale by Stone & Fairfax.—Adv.

ENGLISH FIRM OFFERS COAL AT \$7.12 A TON

Should Duty Be Removed, Amount Will Be Deducted.

After several weeks of effort the Citizens' Coal Syndicate Committee has at last, it is believed, found a means of affording relief to the city from the terrors of the coal famine. Several avenues of relief have been unearthed by the several members of the committee, and a meeting has been called for this afternoon at 4 o'clock, when definite action will be taken. It will be held in the rooms of the Business Men's Association in the Bond Building. Representatives of mine owners are in the city with propositions to supply the necessary coal at prices which will permit it to be retailed at much less than the prevailing rate. There are three distinct propositions. One is from the owner of large bituminous interests in West Virginia, who proposes to supply the committee with 5,000 tons of the best soft coal a week at \$5.10 on the rails in Washington.

Another comes from a London firm whose representative is in the city and will attend the meeting. This firm proposes to deliver on the wharves in Washington 5,000 tons or more of the best large-screened British Admiralty Cardiff coal at 25s. 6d. Should the duty on coal be waived by the Government the amount of the duty is to be deducted from the quoted price. This coal is said to be the standard steaming coal of the world and is so recognized by this Government in purchases for the navy, for the revenue cutter service and for other similar purposes.

SENATORS WANT COAL EVIDENCE KEPT DARK

The Senate today briefly discussed the resolution offered by Mr. Jones (Dem., Ark.) calling upon the Attorney General for evidence submitted by William R. Hearst, alleging that coal-carrying roads are in a conspiracy.

Mr. Lodge said the evidence should not be given out previous to the suit. Mr. Spooner (Rep., Wis.) took the same view.

Mr. Jones said if the evidence was presented proving the alleged conspiracy, the Senate should know it. "The Attorney General of the United States will not stop at bringing suit," said Mr. Spooner, "the moment he is satisfied he has proof. And we should not require him to furnish the world the proof, if he has any, of the charges made by Mr. Hearst."

TROUBLE AHEAD FOR ARMSTRONG NOMINATION TO TREASURY BILLET

Choice As Assistant Secretary Meets Opposition.

SAID TO BE FAR TOO YOUNG

His High Personal Character Not Assailed—Lack of Experience in Business World Set Forth.

The nomination of Robert B. Armstrong, now private secretary to Secretary Shaw, as First Assistant Secretary of the Treasury to succeed Mr. Spaulding is threatened with serious opposition in the Senate. The nomination will probably be sent to the Senate this afternoon or tomorrow morning.

The opposition to Mr. Armstrong is not based upon any personal grounds, for his character and standing are above reproach, but is founded upon the fact that he is a young man, too young, it is argued, to undertake the responsibilities of so important an office as that of Assistant Secretary of the Treasury, which has under it the Customs Service, the Bureau of Navigation, the Life-Saving Service, the Revenue Cutter Service, and other large divisions of the Treasury.

Mr. Armstrong is not yet thirty years of age. He looks younger, rather than older than that, and when his selection as Mr. Spaulding's successor was announced the statement was erroneously made that he was but twenty-seven years of age. He is, in fact, the youngest man ever called upon to fill the position to which he is to be named by the President. Secretary Shaw, who has known Mr. Armstrong from his boyhood, is, however, convinced of his ability, and earnestly desires that his nomination be confirmed.

Senator Aldrich Objects.

It is understood that Senator Aldrich, at the head of the opposition to Mr. Armstrong and that his reason for opposing the nomination is solely because of Mr. Armstrong's youth and lack of experience in the Treasury Department. He believes that a man of riper years and longer service should be made Assistant Secretary. Several other Senators have made similar expressions, but how far they will go in opposing Mr. Armstrong's confirmation against the wishes of Secretary Shaw is indefinite.

When Secretary Shaw began consideration of the matter of Mr. Spaulding's successor he consulted Senator Allison and Senator Dilliver, of Iowa, as to the advisability of elevating Mr. Armstrong to the place. Mr. Armstrong's home having been in Iowa, he was personally known to both the Iowa Senators and they gave their approval and indorsement to the suggestion of his nomination. Secretary Shaw also consulted Senators Cullom and Mason, chiefly because of the fact that Mr. Armstrong had for a number of years been a resident of Chicago. They likewise declared that if it was the wish of the Secretary of the Treasury to have Mr. Armstrong make his first assistant they would interpose no objection.

Partial to Young Men.

The President is somewhat partial to the selection of young and active men for positions of trust and responsibility, and shared with Secretary Shaw the opinion that Mr. Armstrong was qualified to fill the post. While Mr. Armstrong's service in the department has not been of long duration, he has given close application to the study of Treasury matters and has been under the tutelage of Secretary Shaw himself.

Mr. Armstrong's friends profess to entertain no fear that the opposition to his nomination will result in a refusal of the Senate to confirm him. They declare that youth is no crime, and that it should not be used as an argument against him, especially when, in the opinion of the President and the Secretary of the Treasury, he is qualified to assume the duties of the first assistant. Should the nomination go to the Committee on Finance, its confirmation or rejection will rest largely with Senator Aldrich, who is chairman of that committee, although Senator Allison, who is the second member of the committee, would probably be able to prevent any adverse action. It is possible, however, the nomination may go to the Committee on Commerce, of which Senator Frye is chairman.

WIFE OF CLERGYMAN DISAPPEARS FROM HOME

Aged Mrs. Margaret Mytinger Had Been in Poor Health for Several Months.

Mrs. Martha Mytinger, wife of the Rev. Charles H. Mytinger, a Treasury clerk who lives at 1423 Corcoran street northwest, disappeared from home this morning.

She has been in poor health for several months. A sister lives at 106 Quincy Street northeast, but she had not arrived there at 2 o'clock this afternoon. Mrs. Mytinger is sixty years old.

Anthracite Coal.

To meet the present scarcity of anthracite coal, we have contracted with individual operators for the immediate delivery of 5,000 tons in furnace, egg, stove, and chestnut sizes, which we offer to our patrons and the public generally at \$12 per ton. J. Maury Dove Company, Inc.—Adv.

DR. DAVID JAYNE HILL TRANSFERRED TO THE DIPLOMATIC CORPS

Chosen As United States Minister to Switzerland.

SUCCEEDED BY F. B. LOOMIS

Change Said to Be a Pleasant One for Capable First Assistant Secretary of State.

The following important diplomatic changes have been announced: DR. DAVID JAYNE HILL, of New York, First Assistant Secretary of State, to be minister to Switzerland. FRANCIS B. LOOMIS, of Ohio, at present minister to Portugal and formerly minister to Venezuela, to be First Assistant Secretary of State.

CHARLES PAGE BRYAN, of Illinois, minister to Brazil, to be minister to Portugal.

Dr. Hill has held the office of Assistant Secretary of State for a longer time than any of his twenty-four predecessors in that office, excepting Mr. Seward, and during a period of exceptional diplomatic activity which has required his close attention to the business of the department. The assignment to Switzerland is understood to be pleasing to him, not only for personal and family reasons, his children being at present at school in Lausanne, but because the post affords excellent opportunities for the prosecution of certain special work in which he is deeply interested.

Mr. Loomis comes to the Department of State well qualified for the duties of Assistant Secretary, not only by his extensive acquaintance with public life as a former journalist, but by his experience as a consular and diplomatic officer, he having filled the offices of United States consul at St. Etienne, France, and minister to Venezuela and Portugal.

Mr. Bryan, who has made an excellent impression in Brazil, is one of the few officers in the service of the United States who is acquainted with the Portuguese language, and his assignment to Portugal, a mission of equal rank with that of Switzerland, is both acceptable to him as a transfer to the mother country of Brazil and offers an excellent field for his special usefulness.

The President this afternoon sent the nomination of these officials to the Senate.

SUPREME COURT UPHOLDS DUTY ON RUSSIAN SUGAR

Decides That Bounty Is Paid and the Extra Tax Is Legal.

The Russian sugar bounty case, originating in Baltimore, was decided by the Supreme Court today, the action of the customs authorities imposing an extra duty being sustained.

The question involved was "Does the government of Russia pay a bounty on the sugar exported from that country?" The collector of customs at Baltimore, in the case of the cargo in question, under the law on the subject, assessed an extra duty of about 2½ cents a pound, being the equivalent of the bounty alleged to be paid by the Russian government on exported sugar. This action was upheld by the Board of General Appraisers, and the case being taken into court, at the instance of representatives of the Russian government and the importers, the court of

appeals for the fourth circuit sustained the officials.

Announcing the decision of the court, Mr. Justice Brown reviewed at length the laws of Russia governing the manufacture and sale of sugar, which is conducted under a close government supervision. There was great complexity in the system, said the justice, but two facts stood out plainly:

1. No sugar exported from Russia pays any tax whatever.

2. Not a pound of sugar is permitted to be sold in the Russian empire which does not pay at least the normal excise tax of about 2½ cents a pound.

So that whatever it may be called, said the justice, it is clear that what is in effect a bounty is paid on sugar exported from Russia, and therefore the action of the collector imposing an additional duty on sugar imported therefrom equivalent thereto was legal, and the judgment of the court below is affirmed.

MR. JUSTICE HOLMES GIVES FIRST DECISION

California Suit Affecting Sale of Stocks on Margin.

Mr. Justice Holmes today announced his first opinion in the Supreme Court of the United States, being in the case of Otis vs. Parker, originating in California. It involved the validity of the law of that State, making all contracts for the purchase or sale on margin of the shares of capital stock of any corporation, or for purchase or sale of shares to be delivered at a future time, void, and authorizing the recovery of money paid on such contracts in any court of the State.

Plaintiff sued to recover money paid defendant as broker in a margin transaction, and said Justice Holmes, he was entitled to recover if the statute in question was not contrary to the fourteenth amendment of the Constitution. The court concluded that the statute was not so contrary, and that the plaintiff was entitled to judgment. This sustains the validity of the law.

Justices Brewer and Peckham dissented.

BARRED FROM FATHER'S ESTATE.

At the conclusion of the hearing in the contest over the estate of the late William W. Griffith, by his son, Ethelbert S. Griffith, Justice Barnard today instructed the jury to return a verdict against the contestant. The hearing was begun about a month ago, but was adjourned over the Christmas holidays.

MAY SIDETRACK STATEHOOD BILL

"UNITED STATES TO HOLD THE BALANCE OF WORLD POWER"

An Austrian Paper Predicts New Political Alignment.

THE TRIPLE ALLIANCE FATED

Count Lamsdorff's Mission to Vienna. Isolation of Germany—A Quadruple Alliance.

VIENNA, Jan. 5.—The leading Austrian weekly, "Sonntag Montag Zeitung," today forecasts vast changes in international politics.

Count Lamsdorff, the Russian foreign minister, the paper asserts, did not come to Austria to discuss the situation in Macedonia, but rather to negotiate for the destruction of the triple alliance. The paper continues:

"Germany having estranged both her allies by her new tariff bill, now seeks to become a third party in the anglo-Japanese alliance. Russia and France are, therefore, compelled to secure other support to restore the balance of power necessary. This support will come from Austria and Italy."

"The international situation in the near future will be Germany isolated in Europe, but with England and Japan in the background. Russia, France, Austria and Italy will form a quadruple alliance."

"These changes will result in American predominance. The United States will hold the balance of power between these two combinations."

TO EXAMINE STATE

STATUTES ON TRUSTS

Senator Fairbanks introduced in the Senate today a resolution requesting that there be prepared and printed a compilation of the laws of the various States relating to trusts. An amendment was made by which the decisions of the State and Federal courts on the statutes will also be printed.

Appropriation Bills Likely to Be Pushed Ahead in Such Manner That Omnibus Measure Will Not Reach Vote in the Senate.

Talk of Forcing an Extra Session Unless a Vote Is Permitted — Discussion Resumed With Opening Today, With Mr. Nelson Talking.

The majority report of the Senate Committee on Territories, which is opposed to the omnibus Statehood bill and in favor of the admission to the Union of Indian Territory and Oklahoma, will receive material support from the Appropriations Committee. This was determined this morning, when an agreement was reached between Senator Allison, chairman, and Senator Dillingham, one of the principal opponents of the omnibus measure, by which the committee will meet tomorrow and draft the legislative, executive, and judicial appropriation bill and report it to the Senate as soon as possible. The effort to get appropriation bills before the Senate will extend also to a number of other measures, and by these it is believed possible by the majority members of the Committee on Territories to sidetrack the Statehood bill.

Whether the program outlined can succeed is speculative in the extreme, but in any event it will be possible to delay bringing the measure to a vote until such time, probably, as the advocates of more States will be glad to take up the measures providing means of running the Government.

Senator Quay, by the agreement secured at the last session, has the floor each day following the morning hours, until such time as the Statehood bill is given thorough consideration, and there has been talk, among those favoring the minority report of the Committee on Territories, of forcing an extra session unless a vote is permitted on the omnibus measure.

Discussion of the bill was resumed today in accordance with the agreement of December 19, at the conclusion of Senator Dillingham's speech in opposition to the omnibus measure. Senator Nelson has the floor and will likely consume most of two afternoons. He is also opposed to the bill, and will be followed by other Senators holding the same views, who will talk until it is possible to get appropriation matters on the calendar.

Sharp maneuvering has already begun for the time in the morning hours succeeding routine matters. The militia, eight-hour Government labor, immigration, and Philippine currency bills are among those that will be urged upon the Senate for early consideration if their advocates can succeed in bringing them un.

NEGRO NOMINATED AS CHARLESTON COLLECTOR

The President Sends Crum's Name to The Senate.

President Roosevelt today settled the contest for the collectorship for the port of Charleston, S. C., over which there has been a heated controversy for many weeks past.

The negro candidate, Dr. W. D. Crum, has been selected and his name was sent to the Senate today.

This is the case which has been much talked about because of its bearing on the negro question in the South. United States District Attorney Carters and Major Micah Jenkins first indorsed a white man, R. R. Tolbert, but his selection was made impossible because of his participation in certain election disturbances a number of years ago. Carters and Jenkins then recommended Crum as the best of all the negro candidates.

His selection today closes the case. The President's action is taken to indicate that Dr. Crum's opponents could not substantiate the charges made against him.

EXISTENCE OF BUBONIC PLAGUE CONFIRMED

Reports that bubonic plague has broken out at Mazatlan, Mexico, were confirmed this morning by official advice received at the State Department from United States Consul Kaiser, stationed at Mazatlan.

A cablegram from Consul Kaiser says that an expert physician sent by the Mexican government has made an examination of the cases and pronounces the disease unquestionably bubonic plague.

He adds that every precaution to prevent the spread of the disease has been taken.

MR. FLANAGAN ASSUMES HIS SEAT IN THE HOUSE

In the House today the credentials of Dewitt C. Flanagan as Representative from the Fifth New Jersey district, succeeding the late Joshua S. Salmon, deceased, were presented, and Mr. Flanagan took the oath of office.